

TOWN OF NEW WINDSOR

PLANNING BOARD

March 14, 2018

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
DANIEL GALLAGHER
HARRY FERGUSON
HOWARD BROWN
DAVID SHERMAN

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

VERONICA MC MILLAN, ESQ.
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER
BUILDING INSPECTOR

STEPHANIE TORRES
PLANNING BOARD SECRETARY

JAMES PETRO
PLANNING & ZONING BOARD COORDINATOR
& PROPERTY MANAGER

MEETING AGENDA:

1. Clarino Properties
2. McDonald's Site Plan
3. Woodlawn Manor
4. Windsor Academy

REGULAR MEETING:

MR. ARGENIO: We're going to start. Welcome everybody to the regular meeting of the Town of New Windsor Planning Board for March 14, 2018. So we don't have a flag so here's our flag right here. So we're going to stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Thank you everybody. So just as an aside for everybody, whoever wasn't here I just want to, it's with a lot of sadness that I tell everybody that Leo Braun passed away. He was a staple here at these planning board meetings for I don't know, back long before I became chairman, back when Jimmy was chairman. So just a moment of silence for Leo.

(Whereupon, a moment of silence was held in memory of Mr. Leo Braun.)

MR. ARGENIO: Thank you everybody for indulging me. So tonight what do we have here, Windermere is off the agenda, is that right, and DePaulis as well, what's the deal with DePaulis, Mark?

MR. EDSALL: DePaulis, they had been approved for a public hearing and that I guess wasn't considered when they were put on the agenda. So they were ready for a hearing so we have now scheduled a public hearing and came off the agenda.

MR. ARGENIO: They want to have a regular meeting along with the public hearing to continue their application?

MR. EDSALL: Yes.

MR. ARGENIO: Brings us to Dan Clarino. I'm sorry, minutes, apologize.

APPROVAL OF MINUTES DATED 2/14/18

MR. ARGENIO: I'll accept a motion that we accept the minutes dated 2/14 of '18 sent out on 2/17 of 2018

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we accept those as written. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

REGULAR ITEMS:

CLARINO PROPERTIES SITE PLAN (17-14)

MR. ARGENIO: Clarino office site plan. This application proposes a conversion of the single-family residence to an office building. The plan was previously reviewed at the 11 October 2017 planning board meeting. Mr. Dates is here to represent this, Mr. Clarino's in the audience. So Justin, what can you tell us?

MR. DATES: So from our last meeting we had a couple things we had to take care of. One of them was we got a positive hit back from SHPO about it being in a cultural resource.

MR. ARGENIO: I'm not surprised, frankly, I'm sure you expected that as well.

MR. DATES: Yup, absolutely. So we ended up doing a full Phase 1 a and b cultural investigation so the literature, research and also field investigation they did about 26 shovel tests which only came up with brass fragments. So no significant findings from that study. We did submit that to SHPO and we got a letter back.

MR. ARGENIO: Who did you hire to do the study?

MR. DATES: CVRE. So I provided all the correspondence from the Office of Parks and SHPO and on January 25 we got a letter no effect which I provided to the planning board as well as the complete Phase 1 a and b report so we've addressed that concern. Some of the site modifications per the last meeting--

MR. ARGENIO: If I could just one second, Mark, can you just follow up on that commentary, is that SHPO issue closed? If it's not closed, how close is it to being closed?

MR. EDSALL: I haven't seen the letter, as long as we received a letter indicating that they reviewed it from cultural resources we're good, that will be what you consider as part of your negative dec when you're ready to consider one.

MR. DATES: I have an extra copy of the letter.

MR. ARGENIO: Give it to Stephanie so she can route it,

please.

MR. DATES: This is the whole chain, the last one is the no effect.

MR. ARGENIO: Go ahead, Justin.

MR. DATES: Okay, so couple things we modified the plans slightly to address Mr. Edsall's comments. One we added the total disturbance area which we're at .36 acres total proposed parking and utility improvements so we're well under the acre of disturbance that would trigger SWPPP for the project but we did include some erosion control measures, silt fence on the downhill side of the parking area. Again, the project site Route 300 Temple Hill Road is on the high side, falls towards the Cantonment area in the back so we also talked about being that we're adjacent to the historical parks some of the amenities or site amenities to be included on the project we have the flag pole that we have proposed, we do include landscaping.

MR. ARGENIO: Where am I seeing that flag pole?

MR. DATES: It's in the front corner.

MR. ARGENIO: It's a busy, okay, good, great, closer to the street.

MR. DATES: That's correct. We did do a--

MR. ARGENIO: Danny, I think you're supposed to light that if you're not going to take it down, we lit ours at our office.

MR. DATES: So we did do a full landscaping lighting plan for the site based on the comments from the planning board. Lighting, what we have is we have a 10 foot colonial style pole top fixture.

MR. ARGENIO: Is there a detail? I don't need to see it, Mark is going to look at it.

MR. DATES: I have cut sheet two that I can show you, it's an LED full cut-off, everything shoots down to the ground.

MR. ARGENIO: Do you have the cut sheet with you?

MR. DATES: I do.

MR. ARGENIO: Give it to Mark, save a step. Hold that cut sheet up.

MR. DATES: So the LED is directed up in the hood so everything is directed down and we do have a small wall pack scone style LED cutoff just to get this area near the entrance and the other parking area in the front of the building. Landscaping wise, again, we incorporated the split rail fence, that was something that we discussed last time with what's going on with the historical sites around so that would be along the frontage of the parcel. This is our sign which we also put some hollies along the base and daylilies planted in front of those to dress up the signage. The detail of the sign is quite nice cultured stone piers with the sign in between. Then we have a couple of red maples, some Norway spruces and then a couple of hydrangea and Ninebark shrubs.

MR. ARGENIO: I think it looks great, Danny, I would expect nothing less to be honest with you, you've been in this town for a lot of years.

MR. DATES: I have a revised elevation, I have copies, we have added some stone to the facade of the building and again it's to kind of mimic those stone piers that are across the street.

MR. CLARINO: We took a pictures of the stone gate across the street at the Cantonment and we're going to replicate that in the front of the building.

MR. ARGENIO: Somebody do this for me, this is what I want done, good, keeps the wheels moving. Justin, I don't want to interrupt you, how much more did you have, you wanted to share with us?

MR. DATES: One of the other items Mark talked about trash cans so we're about a 2,200 square foot office, we propose to have roll-up cans on the side, we have an isolated area.

MR. ARGENIO: No dumpster?

MR. DATES: No dumpster.

MR. ARGENIO: This is good.

MR. DATES: I don't think it's necessary for the office.

MR. ARGENIO: On the sewer line seems pretty steep, what's the code on the cleanouts, is it like 70 or 100 feet do you know?

MR. EDSALL: No but I've seen all different interpretations of what this spacing should be and you can have too steep a line but I don't know that that approaches that steepness.

MR. DATES: No, and just I got a note from Mr. Agido, I got a map from him for alternate connection point at the back of the property and not having to go all the way out to the causeway so that seems positive, less of a run.

MR. ARGENIO: Absolutely right.

MR. DATES: For Mr. Clarino as well from a cost standpoint so he gave us a copy of that map, we still can confirm rim elevations.

MR. ARGENIO: Mark, is this the application where there's a transmission main and a service line?

MR. EDSALL: No, that's DePaulis.

MR. ARGENIO: I'm just confusing it with another plan.

MR. EDSALL: Same neighborhood.

MR. ARGENIO: So yeah, Justin, page two Mark's got some bullets on the top. I'm not going to read them, they're extremely, extremely basic clean-up items that you're going to have to attend to. And on page, one of his comments there's a couple of comments there in particular there's a one-way sign depicted that's a little far inboard to the site, you may want to push it closer to Route 300. And I'll read, the properly located entrance and exit signs may not be needed so I guess Mark what you're saying there is if the one-way signs are located properly he may not need those other two signs?

MR. EDSALL: If you're going down Route 300, you're not going to look at the sign facing the highway, you're not going to see it but if you have one-way signs properly placed--

MR. ARGENIO: We would want less signs in that corridor.

MR. EDSALL: If you get one of the horizontal rectangular one-way signs double faced so that you can see from either direction on each side of the entrance and exit that should be enough information. If they don't figure that out I don't know that there's much we can do to make the driver--

MR. ARGENIO: Does that have to be a state DOT sign?

MR. EDSALL: Yeah, we use a state DOT sign.

MR. ARGENIO: You want to use MUTCD?

MR. EDSALL: Yes.

MR. ARGENIO: Number four on page two, lead agency, what can we be doing tonight? This is the first application we've had in this corridor in quite some time, how far can we go with this?

MS. MC MILLAN: I don't think we're going to be able to do too much more tonight because we're waiting on the time to elapse for responses to the lead agency coordination letter and the Orange County Planning Department. So the time has not elapsed for those letters yet so we're going to be limited in that.

MR. DATES: At the last meeting, the board did circulate, that was in back in October of last year.

MRS. TORRES: We were waiting on new plans so we didn't circulate until February 27th.

MR. DATES: I thought it was at least going out to the county.

MR. ARGENIO: That's not lead agency, that's a submission of the plans to the county.

MR. EDSALL: Thirty day clock on both the county and the lead agency.

MRS. TORRES: Starting the 27th, well, two days after.

MR. ARGENIO: Those are two different 30 day clocks.

MR. EDSALL: Exactly.

MS. MC MILLAN: What Stephanie's saying they're running concurrently with one another.

MRS. TORRES: Right.

MR. ARGENIO: Is that no, you're not with that or--

MR. DATES: No, well, I thought we had.

MR. EDSALL: They authorized.

MR. DATES: Actual circulation didn't occur?

MR. EDSALL: We waited for the new plans to come in.

MR. ARGENIO: When we send it to the county, we try to make sure it's as close to done as it can be but for some minor details to prevent them from being ultracritical of what we're sending to them and forcing us into a position where we have to have a super majority to approve the plans so it puts us in a better position.

MR. DATES: I know we talked about the public hearing, we'd need to have that, can we look to schedule that?

MR. ARGENIO: Is that a requirement or is that something that we're going to talk about?

MR. EDSALL: I believe this is a use by right, not a special permit, so I would believe that this is use A6 which makes this a waivable or optional public hearing.

MR. ARGENIO: You have residences on each side?

MS. MC MILLAN: Yes.

MR. ARGENIO: If we circulated for the public hearing insomuch as we have not heard from the other agencies we can theoretically have that meeting in April and not cost the applicant any time.

MS. MC MILLAN: That's correct.

MR. EDSALL: Closing it out.

MR. ARGENIO: Unless something significant comes up that evening. What do you guys think?

MR. FERGUSON: That's a good idea.

MR. GALLAGHER: How far, 500 feet?

MR. EDSALL: Site plan just adjoining.

MR. ARGENIO: No, it would not be Temple Hill Park, correct, so, I mean, you know, I don't, it's not going to cost you any time, Danny, to do that circulation and, I mean, probably a \$50 bill if it's that. And we do have the residents on either side too so maybe it's a road we should go down.

MR. GALLAGHER: I agree.

MR. DATES: This is also Mr. Clarino's property as well.

MR. ARGENIO: That's your property too to the south? So you only have a resident to the north?

MR. CLARINO: I object.

MR. ARGENIO: So is that neighbor, do you know that neighbor?

MR. CLARINO: Yeah, on the other side?

MR. ARGENIO: Yeah.

MR. CLARINO: I think it's a builder, Dominic Scaglione.

MR. ARGENIO: Do you know him?

MRS. GALLAGHER: Yes, very well.

MR. ARGENIO: What can you share?

MRS. GALLAGHER: Fantastic guy, I don't think he'd have a problem, he's a builder and he would love to see that house change to what Dan is proposing no doubt.

MR. ARGENIO: And Danny owns the property on the other side, I can go either way, man, I have to tell you, not now with that information so I need to hear.

MR. GALLAGHER: I'm in favor of waiving it.

MR. ARGENIO: I don't think there's any harm.

MR. GALLAGHER: Now that I know that.

MR. FERGUSON: No problem with waiving.

MR. SHERMAN: Yeah, I'm okay.

MR. GALLAGHER: Motion that we waive the public hearing for Clarino office site plan.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board waive the public hearing for Clarino site plan. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: It's probably the right thing. So Danny, if Mr. Scaglione shows up at some point in time and he needs a little consideration, it will be yours to give to him.

MR. CLARINO: I know him, I can talk to him, I think he runs a small office out of that building downstairs.

MRS. GALLAGHER: He does.

MR. ARGENIO: We want people to get along, we don't need people in here kicking and screaming.

MR. EDSALL: He's been a cooperative applicant on other applications that have been before us.

MR. ARGENIO: What else do we need to be considering? We're certainly not going over the wire, these clocks have to run out.

MR. EDSALL: Just for the record, obviously, as Justin indicated, it's gone to Office of Parks, Recreation and Historic Preservation but in due fairness to all sides, Interstate Park Commission who operates the historic sites, the lead agency letter included the PIPC so they

have been advised that there's an application.

MR. ARGENIO: They have the same 30 days?

MR. EDSALL: No, no, in fairness, we've made sure that everybody is aware of this application and I think clearing is an improvement. The only thing I would suggest to the board was it's in a historic corridor, I know you've looked at the finished treatments in a black and white fashion but if you have any input relative to earth tones or anything that you want for finishes, that the kind of thing you're supposed to be looking at in the historic corridor.

MR. ARGENIO: Dan brought in pictures of the stone wall across the street which is earth tones and he said I'm going to match this, use earth tones and the building I can't--

MR. CLARINO: Not the entire front but a portion of the front will be stone.

MR. GALLAGHER: What color scheme?

MR. CLARINO: Thinking of maybe a bluish gray, I just put in, I know the roof is black.

MR. ARGENIO: It should be some type of earth tone, Dan.

MR. EDSALL: Royal blue might be a problem or that shirt might be a problem.

MR. CLARINO: Probably be an earth tone, a beige or something, no problem, I have no problem.

MR. ARGENIO: Members, do you have any comments on the plan, Howard or Harry?

MR. FERGUSON: No.

MR. ARGENIO: I think Mr. Dates covered it. Anything?

MR. SHERMAN: Nothing.

MR. GALLAGHER: Nothing.

MR. ARGENIO: Anything for us?

MR. DATES: I don't think so.

MR. ARGENIO: Anything else?

MR. CLARINO: Thank you so much.

MR. ARGENIO: Let's get this buttoned up.

MR. DATES: February 27th is when the letter went out?

MRS. TORRES: Yes.

MR. ARGENIO: So 30 days after that and we'll wrap this thing up.

MR. DATES: Great, thank you everybody.

MR. CLARINO: Thank you, Jerry, thank you, everybody.

MC DONALD'S SITE PLAN (12-13)

MR. ARGENIO: McDonald's, I see Mr. Bohler in the room.

MRS. GALLAGHER: Mr. Bohler, those plans, are these plans correct, those are not the new plans?

MR. BOHLER: No, I don't think so.

MRS. GALLAGHER: They're not these plans?

MR. BOHLER: The ones submitted today were for after this hearing for Mark's review, not part of the record.

MR. ARGENIO: Are they the right plans?

MR. BOHLER: There's no changes to layouts, I, basically I complied with all of Mark's comments.

MR. ARGENIO: Let me introduce you first then we'll get to that. The project proposes the overall demolition of the existing McDonald's restaurant at Five Corners and a total site rebuild. The plan was previously reviewed at the 12 September 2012, 11 October 2017, 13 December 2017 and 24 January 2018 planning board meetings. Mr. Bohler's here to represent this, so let's get real direct about the plans. I know you have a new set of plans that you updated that you're going to get to Mark for review, is that correct?

MR. BOHLER: That was intended to be a compliance set of plans after the hearing if they're not good we can resubmit.

MR. ARGENIO: That set that's up there on the easel, that's the sets that you submitted to the planning board and have updated as part of your application? That's not the new set you submitted to Mark or you're going to submit?

MR. BOHLER: I printed the latest plans.

MR. ARGENIO: Somebody give me a rev date, 11/13 of '17.

MRS. GALLAGHER: These are 11/13/17.

MR. ARGENIO: So these are fine, I think you have a problem, we have several dates here.

MR. BOHLER: The plans didn't change necessarily, the last meeting we had was, we were waiting for county and DOT referrals and we had to provide the easement, did you get it?

MS. MC MILLAN: I did but I have to speak to your counsel about it but I reviewed it, there's not a lot that changed.

MR. BOHLER: So essentially we're asking for us to close out the hearing process because we have the two comments, county said nothing, basically said it's to you guys.

MR. ARGENIO: What hearings do we need to close?

MR. BOHLER: For the final like approval tonight basically.

MR. EDSALL: Public hearing was held on January 24, I believe it was closed that night, so hearings are all closed out.

MR. ARGENIO: I thought, I didn't know if this was something else you're referring to.

MR. BOHLER: DOT I have a letter, I'm sure I have it, it said they're asking to see if we can help channelize this driveway further. We talked about that probably four months ago, three months ago during our first presentation that we added striping, we had did the signage there, you asked to go to the DOT as a referral to see if they'd add more signage. They did not ask for that but we ran a truck, they, the issue we had was the truck would go over the curbs which is why we added striping so we're asking you to I guess override the DOT comments.

MR. ARGENIO: What page are you on, what drawing, C?

MR. BOHLER: Three.

MR. ARGENIO: So the channelization that the DOT asked for is illustrated on that plan?

MR. BOHLER: With striping, not with curbing.

MR. ARGENIO: Is that what they wanted?

MR. BOHLER: They want curbing, we can't do curbing

because the truck would run over the curbing.

MR. EDSALL: Mountable curbing.

MR. ARGENIO: DOT's happy, I'm happy. It seems to function now as it is but DOT is odd but mountable curbing would be fine. I have no issue with the striping to be honest with you, it's a right-hand turn only.

MR. GALLAGHER: We're trying to force people to turn.

MR. EDSALL: We're asking if we can override the DOT, that's not possible in their right-of-way, we have no ability to override DOT.

MR. BOHLER: That's what is odd about this situation, nothing is in the right-of-way.

MR. EDSALL: They also have jurisdiction back from the right-of-way so many feet.

MR. ARGENIO: Are you making that up?

MR. EDSALL: No, they've done that more than once, most municipal stop bars for intersections are off the right-of-way and they have jurisdiction but so maybe they would be more amenable to a mountable curb and that kind of--

MR. BOHLER: Sure, I mean, doesn't matter to me, just seems odd mountable curb is a plowing issue.

MR. ARGENIO: It's a bump, I agree with him, Mark, from a user's perspective, an engineering perspective it's, are you seeing it there?

MR. EDSALL: I actually don't have the latest plans, I have the older set of plans.

MR. ARGENIO: Open the older set.

MR. BOHLER: Mark, realistically, it's still a, if someone wants to turn left even with the mountable curb they're going to do it.

MR. ARGENIO: Correct.

MR. EDSALL: On the right side?

MR. BOHLER: On the left side.

MR. EDSALL: Left side going out striping versus having--

MR. ARGENIO: It would seem to me that striping should curb back in the right-of-way behind the curb line that's on the road I would think.

MR. EDSALL: I do not disagree with you.

MR. ARGENIO: You follow me what I'm saying? I'm sure you agree.

MR. BOHLER: We can do that, it's not a problem.

MR. ARGENIO: That wants to curb back.

MR. BOHLER: Sure.

MR. ARGENIO: And tie into the--but yeah, it makes sense it's right only and that's it. Let me hit something here from the fire people. The proposed mountable curb island on the west side of the drive-thru lane should not have any signs mounted on the island. The proposed mountable curb on the west side of the drive-thru lane.

MR. BOHLER: It does not.

MR. ARGENIO: Where is he pointing, where is he referring to?

MR. BOHLER: Here.

MR. ARGENIO: So it's that little sliver island.

MR. BOHLER: Yes.

MR. ARGENIO: That's a mountable curb there that sliver island?

MR. BOHLER: It is.

MR. ARGENIO: Let me ask you the question, I bounced it back at you, why that mountable curb and not striped?

MR. BOHLER: So that's for trying to keep the trucks to the one side so from a plowing perspective we looked at that, McDonald's decided to do this on most of this

area so when they hire somebody to do that this is normal moving forward from their planning perspective, this mountable curb I'm willing to do, it's just not normal for a McDonald's site.

MR. ARGENIO: Let's get away from the Route 32 thing, that's closed.

MR. BOHLER: This area is going to be a more normal situation with McDonald's drive-thru, I think what they see is that a truck can make this turn, we can, it's no problem, they get a little sloppy, they knock this canopy and then they tear it and that's a \$10,000 fix every time they hit it. So that's trying to push it away.

MR. ARGENIO: That inside, that mountable curb is concrete I would think probably six inch thick?

MR. BOHLER: Yes.

MR. ARGENIO: Yeah, so, and you're not proposing any signage in there anyway so I don't know what the genesis of their comment is, other than to say if you're thinking about putting signs in there don't do it. So Mark, we put a note on the plan or that's not necessary?

MR. EDSALL: For the signs, if there's no signs shown there they shouldn't put any signs there.

MR. ARGENIO: Yeah, so Orange County Planning local determination, DOT we discussed that fire, water, sewer, highway, 911. Harry and Howard Brown to my right, you guys have anything else with this? We've seen this.

MR. BROWN: I've seen it.

MR. FERGUSON: No.

MR. ARGENIO: It's a good solution, it's gonna be a nice new McDonald's. If anybody thinks there's anything going to be there other than a fast food joint like this, they've got another thing coming. I don't think your client would give up the parcel, I don't think.

MR. BOHLER: No, I think it's a good spot.

MR. ARGENIO: They probably don't need the money, they sell burgers. Danny or David, any comments?

MR. GALLAGHER: No.

MR. ARGENIO: This goes back to your days, doesn't it, any thought?

MR. PETRO: No, it's great.

MR. ARGENIO: I think it's great too. Mark, anything else on this?

MR. EDSALL: I'm just going through making sure we have all the status issues resolved.

MR. ARGENIO: Are there any real issues slowing us down from moving forward on this?

MS. MC MILLAN: We've not done the SEQRA determination on the project yet.

MR. ARGENIO: Any reason we shouldn't be doing a negative dec?

MS. MC MILLAN: No, I don't think so, we've heard back from county and DOT.

MR. EDSALL: You answered me. Stephanie, can you track down the date, the date that we had actually taken lead agency?

MRS. TORRES: I didn't see that we did take that.

MS. MC MILLAN: No, we have not taken lead agency.

MR. EDSALL: There's probably--

MS. MC MILLAN: I think because it was gone so long and came back and then--

MR. ARGENIO: We should of done that at a prior meeting.

MR. EDSALL: Yeah, but I think what happened was is it was up in the air so much as to where it was going to go because there were negotiations going on with the neighbor that we held off on a lot of things waiting to see how the applicant made out.

MR. ARGENIO: Anybody sees fit, I'll accept a motion that the Town of New Windsor Planning Board declare itself lead agency.

MR. GALLAGHER: So moved.

MR. SHERMAN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency for this McDonald's New York site plan.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Anybody have any environmental issues here? Does anybody see any reason we should not be doing a negative dec?

MR. GALLAGHER: Make a motion for negative dec for the McDonald's New York site plan amendment.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare a negative dec under the SEQRA process for McDonald's State of New York site plan. I'll have a roll call.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: One thing Dan just pointed out to me don't forget and maybe it's done on the new drawings you got a bust right here with the arrows.

MR. BOHLER: We'll fix that.

MR. EDSALL: Make sure all the fire inspectors, there was some bollard issues with the fire inspector.

MC DONALD'S

MR. BOHLER: He asked for bollards, we talked with him, he was okay with our explanation, I don't know that there's any more issues.

MR. ARGENIO: I do have approval for the mountable curb or lack of signs.

MR. BOHLER: That letter I think was from four or five months ago and we had spoke with him immediately after we got the letter to explain what we were doing. I think he's okay at that point.

MR. EDSALL: I would just if you're considering final approval make it subject to any open conditions.

MR. ARGENIO: Well, yes, it's going to be at a minimum it's going to be the easements being finalized with Veronica and your review of the final plan that's somewhere in transit.

MR. EDSALL: Somewhere in transit back at my office, I guess.

MR. ARGENIO: But, yeah, we've covered a lot of ground and thank you for your cooperation.

MR. BOHLER: Building permit we typically like wait until we get signed plans, is there any way we can start that earlier?

MR. ARGENIO: Start which?

MR. BOHLER: Building permit application.

MR. ARGENIO: That's something that this board does not really address but let's get first things done first. Any other members have any issues with this? Accept a motion for final approval.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded by the Town of New Windsor Planning Board for final approval for McDonald's New York State plan amendment. It's been seconded by Harry, I'll have a roll call.

ROLL CALL

MC DONALD'S

MR. BROWN AYE
MR. FERGUSON AYE
MR. SHERMAN AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. ARGENIO: That's subject to the easements being filed and Mark's review of what we're calling the final plan which is not actually in front of us but it certainly does not differ to any degree of appreciation at all. Mr. Bohler, your question about a building permit, Jennifer, I have to defer to her cause she's the one that would be able to answer the question, these bits and pieces need to be tied up first I think and then you're going to be talking to her so Jen, do you want to comment?

MRS. GALLAGHER: My office does not issue a building permit nor will I review it until you have stamped plans and your fees are paid. We work extremely fast in my office so you're looking at about ten days after you're allowed to turn it in.

MR. BOHLER: Perfect, that's great, awesome.

WOODLAWN MANOR SITE PLAN (08-09)

MR. ARGENIO: Nobody else in the room but a reporter so what about Woodlawn Manor. Multi-family site plan off Forest Hills Road. The application proposes development of four tax parcels indicated as 75 plus acres with 115 unit multi-family residential complex. The application was previously reviewed at the 9 July 2008 and 11 August 2010 planning board meetings. Mr. Torro?

MR. TORRO: Good evening, my name is Larry Torro with Civil Tec Engineering and Surveying. Mr. John Cappello, the attorney for the project is here as well. Start off with obviously I know most of the board members are quite familiar with this project and location. Couple points to make, when it was before the board last, Mr. Halberthal was involved, he's no longer part of this project, he no longer works for Upstate Properties, I'm told he's retired. So a new gentleman is running this project, Mr. Simon Gelb who is going to see it through.

MR. ARGENIO: He's not here this evening?

MR. TORRO: He's not here this evening. Couple things it was left off I know there was water and sewer issues. So back in probably 2010 there was a developer's agreement that was drafted up with Mr. Cappello's office and the town attorney, preliminary developer's agreement addressing the issues related to the water and sewer for the project. At that point, there was some projects that the town was looking at and the developer was going to help compensate towards those projects to bring capacity of the sewer and the water for this development. It was never finalized, again, it was preliminary stages. At that point, there was also an issue about drainage, MJS Engineering at that point had done a full study in the area, it was submitted, we can obviously resubmit that and it was determined that there was no downstream impacts related to the project.

MR. ARGENIO: When you say drainage, you mean drainage or wetlands?

MR. TORRO: Drainage, storm water, sorry. And the, cause on-site we'll also be providing on-site detention and storm water quality. Another big issue which I know came up is obviously the traffic. The last time

when I met with Mark I told him that a report was prepared by Creighton Manning which had indicated no need for left-hand turn lane. I spoke with Mark at the work session several weeks ago, it was quite clear that the town would really like to see that. I told the applicant, Mr. Gelb, that I don't see the project going anywhere until we commit to that agreement of the left turn lane.

MR. ARGENIO: You advised him well.

MR. TORRO: So though on the plan right now just references that a left turn lane will be provided on Route 94.

MR. ARGENIO: If I can interrupt you, is that what it was, Mark, it was a left turn lane?

MR. EDSALL: Left turn heading eastbound.

MR. ARGENIO: I remember talking about the traffic there.

MR. EDSALL: Yes, yes.

MR. ARGENIO: That's what you remember, Jimmy?

MR. PETRO: I remember one of the houses being purchased on 94 so they can access through there.

MR. ARGENIO: That's right up the road, correct.

MR. EDSALL: The did, I think it was ESTS was the former bank partnership ownership but the problem they ran into even though they did in fact buy the lot is that they ran into significant issues with DEC because there's a very wide wetland crossing.

MR. ARGENIO: Like a wandering, very slow, slow running stream.

MR. EDSALL: They're crossing, correct me if I'm wrong, I think Larry you're crossing at the narrowest spot?

MR. TORRO: Right. When we first come into the site.

MR. EDSALL: It widens up significantly when it gets behind that other property that they bought and I believe they were pretty much told by DEC there is zero chance of getting a crossing there for a second access

when you've got this one available.

MR. PETRO: That and if you remember I don't know if this one accessing the road--

MR. EDSALL: There's an emergency access on Cherry that's gated off.

MR. PETRO: You would fill the room again with people, it would be a nightmare, plus it's very close to 94, have no stacking, you know what I'm saying, you'd hit it and so that was a bad idea but a crash gate not a problem at all.

MR. ARGENIO: I interrupted you, please continue.

MR. TORRO: Also, actually, the development behind it there was years ago there was stubs left 50 foot right-of-way for potential tie-ins but we had the same issue, it's a steep embankment plus once you got to the bottom it was significant wetlands so this is really the only access to get into the property.

MR. EDSALL: That's off Hudson, I believe isn't Hudson there?

MR. PETRO: Which goes to Erie, right, there was another plan at one time, Mark, actually was a longer road that went all the way to Erie, it didn't go onto Hudson.

MR. EDSALL: Every direction on this property you run into wetlands.

MR. ARGENIO: It's wet, it's, I grew up on Forest Hills Road and it's wet, wet, wet, wet.

MR. EDSALL: Almost like an island.

MR. TORRO: Pretty much. So back, so they've committed to the left-hand turn lane, they have Creighton Manning working on the details, obviously detailed plan needs to be provided and submitted to DOT for their review and approval. Just some minor other, the last time we were here, SHPO hadn't signed off, there was an issue regarding archeological study on the site that has since been completed and they've signed off on it. There's also a 6 or 800 page report which I'll provide copies if you want hard copies fine but it's digital, I can give you on a disc for your records, there's a

letter from SHPO that they signed off on it and that's going to allow us now to continue with DEC and Army Corps for the entrance.

MR. ARGENIO: You know what we need to think about, I think in this kind of more to the professionals in the room than the members, and I think you, Jen, to a degree is this concept of continuing and I mean that in all sincerely, whether this is a new application and I don't know how old was the other one, I mean it's a long time ago.

MR. TORRO: Quite, it was even before the board before I was involved.

MR. PETRO: Fifteen years ago.

MR. ARGENIO: We talk about continuation.

MS. MC MILLAN: First came on the planning board's agenda in 2003 at which, at some point the 2003 application was advised to refile under a 2008 number, as best I can tell that appeared in front of the board in 2008, there was one other proposed appearance in 2010 but they withdrew from the agenda.

MR. ARGENIO: We have to have a new application number at the planning board office for this application and these older reports and such, you guys, Veronica and Mark, are going to have to tell us what's recyclable and what's not. I'm thinking that an archeological report is probably recyclable.

MR. EDSALL: I would think.

MR. TORRO: I hope so, first one's expensive.

MR. ARGENIO: Wetlands report maybe not so much, you have to give us guidance.

MR. TORRO: As far as with the wetlands, the present delineation is good until October of 2018. Once we have the consensus moving forward with the layout and whatnot we have to go back to them and finalize it. So there's no approval yet from Army Corps or DEC so they'll be seeing the application again. It's not an old that they've signed off on.

MR. EDSALL: Inasmuch as it's the same applicant although the representative has changed it's still

Upstate Properties, I don't know that we need to treat this as if it's a new application.

MR. ARGENIO: I wasn't advocating like that, did I sound like I was?

MR. EDSALL: No, treat this like we've done some in the past including one we created '08-09 having a new application filed, just make sure the information is updated and correct, close the old one out but we're not going to ask for new application fees, we just want to start fresh, file and have you submit whatever you want us to consider for reuse.

MRS. GALLAGHER: There might be some fees, we'll go through and see if there's anything even left in the old one because they might of used all their escrow and stuff.

MR. EDSALL: I'm talking application fees, application fees.

MR. TORRO: I doubt there's any escrow.

MR. EDSALL: That's obviously going to have, we're not attempting to get a new application fee, just want to start with a new file and John will be happy to throw the other file away.

MR. CAPPELLO: Actually, I don't want to interrupt but you did mention my name. I wanted to let the board know I'm here tonight, our office is in transition, some of the new representatives have landed in municipalities where we represent, I don't want to leave them in the lurch but there will be a new attorney representing them going forward.

MR. ARGENIO: Alright, we have no plan to look at. Members, do you have any questions for Mr. Torro?

MR. PETRO: How many units?

MR. TORRO: It's 115 units.

MR. PETRO: So but at this point though you only have one access point?

MR. TORRO: Correct, plus the crash gate.

MR. PETRO: Not idealistic.

MR. ARGENIO: Not great but I go even back further than that, I say to myself do we need another 115 units of multi-family, is this market rate or just multi?

MR. TORRO: Multi-family condos.

MR. ARGENIO: That's better than market rate, I mean, they're everywhere, man, there's a lot of units in the shute.

MR. EDSALL: This is one of the last R5 parcels left, it's still R5.

MR. PETRO: Other than my house.

MR. EDSALL: There's not a lot of R5 left. Larry did submit plans, I've got comments on them, there's a lot of issues that were relevant on the prior view a number years ago that are still relevant issues now. So I can provide those to Larry and I think it's just a matter of getting, moving forward.

MR. ARGENIO: We need to look at these things and start to go through them, Mark's going to need to do a review.

MR. PETRO: Jerry, be advised you'll probably hear from the fire department and other agencies I think about the one access to go in again, you know, like Park Hill, if it snows you can't get down there. Guy needs a defibrillator halfway down, I know you have the crash gate but that's not ideal, that's why I think we actually have been through this a number of times, that's why we had the house that was purchased to come out in another spot, there was another one that went over to Hudson Drive at one time and the other one that went all the way to Erie on your property and that was with a swap so many feet that you had to create but they did it so I'm just saying that you may get some real push back about having the one access.

MR. ARGENIO: I was young and new on the planning board back then but I definitely remember the application, it was a long time ago.

MR. PETRO: You'll have people at your public hearing.

MR. CAPPELLO: Now you're making me sad because I was here before.

MR. ARGENIO: John, you're old, you're older than Petro.

MR. PETRO: No.

MR. CAPPELLO: He was here too, I remember the crash gate.

MR. PETRO: I don't even buy green bananas anymore so don't worry about that.

MR. ARGENIO: Mark has a couple of very broadly sweeping comments here, I mean, he's given some data about the permissible density and living area, we're not going to drill down on these comments tonight, we talked about traffic issues. The INI is something I need to speak to other folks in the town about so I can understand, remember the issues, there was leaky sewers down there many years ago but some work has been done.

MR. EDSALL: Yes.

MR. ARGENIO: But I don't know the status, I know some work was done, what was done, what was not.

MR. EDSALL: Infrastructure.

MR. ARGENIO: We'll have to have a discussion about it. You guys got any questions on this? Any seeds you want to plant Mr. Former Chairman?

MR. PETRO: I'm not poo-pooing the project, I just know that it's going to come up, you should probably come up with--

MR. TORRO: The different access point was even before my time, you know, it's--

MR. PETRO: But it's not impossible to either access Hudson or Erie and even Cherry Lane, I know it's a crash gate and that's what the people want there but maybe it could be exit only, I'm just trying.

MR. ARGENIO: Who lived on Cherry Lane, Unky Gayton wasn't it?

MR. EDSALL: Last house on the right.

MR. PETRO: I remember when we had, I don't remember if

it was a public hearing but every time it came up the room was full so you don't want that either, that's a pain in the neck.

MR. ARGENIO: What else, Larry?

MR. TORRO: That's it I guess at this point then we'll get the new application to Stephanie I guess whatever other reports and developer's agreement I'll get you copies.

MR. ARGENIO: Get your application squared away with Stephanie.

MS. MC MILLAN: With the updated EAF, the EAF forms have been updated since then.

MR. TORRO: Probably twice.

MS. MC MILLAN: The one in the folder 2003 and 2008 so updated EAF forms.

MR. TORRO: At this point I'll get you everything digital, anything you need hard copies you'll let me know.

MRS. TORRES: I kind of need some hard copies except for the 600 page one, I won't take that but--

MR. TORRO: That's really the only big one.

MRS. TORRES: Everything else we want paper.

MR. ARGENIO: Seriously?

MRS. TORRES: That's how I go through everything.

MR. TORRO: You want everything else on paper 10 copies or--

MRS. TORRES: Just a copy for the file.

MR. EDSALL: Reports you want to make sure there's at least three of the, anything that's not 600 pages long because many of the reports Veronica and I will have to review so one for the file, one for us.

MR. TORRO: Okay.

MR. ARGENIO: Larry, is that it?

MR. TORRO: I would say for now.

MR. ARGENIO: Thank you for coming in.

MR. TORRO: Thank you for hearing us.

DISCUSSION

WINDSOR ACADEMY

MR. ARGENIO: Mark, what have we here, Miss Epstein?

MR. ARGENIO: Okay, so I'm going to try to summarize and then if anybody else knows anything they can certainly just speak up. They want to change the size of their fence behind Windsor Academy from eight foot to six foot. Windsor Academy is the school across from Midway Market on Route 94. There was a discussion on October 10, 2001 in the minutes where Mr. James Petro was Chairman of the Planning Board and in that meeting in that discussion it seems as though there was a neighbor that was advocating that, that neighbor wanted Mrs. Epstein who is the owner of Windsor Academy to install an eight foot fence. Seems as though the planning board agreed and directed her or requested that she install an eight foot fence. She did install a fence, I don't believe they needed a variance, she put the fence up. Now we have an e-mail dated March 5, 2018 that says I'd like to take the eight foot fence down and put a six foot fence up. Is that substantially accurate, Jen, as far as you know?

MRS. GALLAGHER: Correct, they do not need a variance if you do require an eight foot fence, again we say that it's screening and it's allowed by the planning board.

MR. ARGENIO: Yes, it's in the minutes they did not need a variance. Jimmy, you have to help us with this, if you remember, it's a long time ago. So what I'm reading here is that there was, I don't want to call it an irate neighbor, but there was a guy that was mad, if I remember correctly, whether he was trying to just make her spend money or whether he genuinely had a hardship over the fence, he was advocating for this fence to be eight foot. And Jimmy, you agreed and the members agreed and we told Mrs. Epstein to put an eight foot fence up and she did so what do we do?

MR. PETRO: They had put all the temporary and I use that word lightly.

MR. ARGENIO: Modularity.

MR. PETRO: Yeah, which we knew was going to stay as permanent so that's another reason to screen that from

the neighbors they kind of had a point.

MR. ARGENIO: The neighbors.

MR. PETRO: It was looking very busy over there so that's why we had requested an eight foot fence but I don't know if they're still there, things change.

MR. ARGENIO: Jen, what do you know about the neighbors' complaints?

MRS. GALLAGHER: We don't get neighbor complaints on them, no, not at all and the trailers are still back there, they have C.O.s on them.

MR. ARGENIO: I have no reason to believe nor does this board have any reason to believe that the situation has changed from then till now, so why, and this is to you, to you, Jen, because you have to field the calls, why would we say it's okay change it from eight to six?

MR. SHERMAN: What's the request for?

MR. ARGENIO: She wants to take the eight foot fence down, put a six foot fence.

MRS. GALLAGHER: She just put it on both sides a beautiful new fence on both sides starting from the road back on the sides, she wants to continue the same fence along the back.

MR. GALLAGHER: Is the back fence in disrepair?

MR. ARGENIO: This fence installation is a planning board issue and I'm quite sure it's part of a site plan, I'm positive of it, it's here in the minutes at eight foot, we cannot in my opinion allow her to switch it from eight to six, as Danny just said. However, Jen, I understand what she's saying. So this is my opinion, Mark, guys gotta chime in and help me, my opinion is if she wants to change that which is part of her site plan approval she needs to make application, show the fence change or have the, have a public hearing. If this Mr. McMann doesn't show up and there's nobody kicking and screaming, she can put the six foot fence up. Other than that, it's there for a reason. Jimmy decided that it should be eight foot because I'm sure there as a lot of emotion in the room and it's there for a reason. Jimmy, you were there back then.

MR. PETRO: I think another good, while I agree with everything you just said, in the meantime probably wouldn't hurt for the members to actually do a ride-by and take a look visually at what it looks like back there, maybe it doesn't matter really on the back, maybe it does, but if it does matter then you have to do everything that you just said, I mean, unless it's blatantly, you look and say not even anybody back there.

MR. ARGENIO: Here's my point, if we say okay, go do six foot and we have a neighbor back there named Mr. McMann, maybe he's a sticky guy, let's pretend, and he goes to the planning board or not, he does a FOIL and he gets the planning board minutes, there's supposed to be an eight foot fence, planning board told this guy he could put a six foot instead of an eight foot with no process, where are my rights?

MR. PETRO: Your key words, no process.

MR. ARGENIO: If she wants to go through the process, go ahead.

MR. FERGUSON: Mr. McMann passed away, his wife's still there.

MR. ARGENIO: That doesn't change how I feel.

MR. GALLAGHER: Is that cross street behind there?

MR. ARGENIO: Yeah.

MR. EDSALL: My recollection is the same as Jimmy's that one of the contributing factors to why they wanted more screening than less is because of the trailers that it wasn't a regular structure being constructed back there actually setting trailers back there.

MR. ARGENIO: We got hosed a little bit on this whole thing.

MR. EDSALL: They apparently meet State Building Code so they've gotten C.O.s that are legit but there might be still a need to screen.

MR. PETRO: It's a very busy lot.

MR. EDSALL: That type of construction to conventional

residential.

MRS. GALLAGHER: She does have a hill in the back so even that eight foot fence is high back there, it's not just an eight foot fence.

MR. ARGENIO: I can't, I know what I have here and--

MR. EDSALL: Is it the sides or just the back?

MRS. GALLAGHER: Just along the back.

MR. EDSALL: Not the sides.

MRS. GALLAGHER: She has her certificate on--

MR. EDSALL: They're six foot.

MRS. GALLAGHER: Yes.

MR. EDSALL: The only place the planning board wanted eight was in the back?

MRS. GALLAGHER: Yes.

MS. MC MILLAN: It's on her site plan.

MRS. GALLAGHER: On her site plan I think it actually says six foot.

MR. ARGENIO: Here's what we're going to do, Jen, Mrs. Epstein and you can show her this if you'd like, it's part of the permanent record, that's what the approved plans say, if you want to do a six foot fence, planning board takes, I don't think the planning board takes exception to it but you need to, we have to have the process, so make your application, it will be quick, we'll get you in here, it's only a fence, we don't have all kinds of other stuff.

MR. PETRO: Otherwise your decision would be arbitrary.

MR. ARGENIO: Exactly right, so that's how I feel. Anybody disagree? Okay, what else, Mark?

BUTTERHILL DAYCARE

MR. EDSALL: Two issues that I want to bring to the board's attention. One from today's work shop just so you're aware, the old Butterhill Daycare Day School out on 94 across from Cumberland now called Little Sunshine they're expanding or widening their capture of what service they provide personal services, they provide not just daycare, they're going to have some school operation very similar to Windsor Academy which we just talked about. And Jen and I looked at the code today and in fact both operations are service establishments by definition in the code both uses are listed under service establishment, same bulk requirements, not a change in use. But if you see something where it's advertising that they're providing an additional service we want you to know they're honest, the attorney came in and asked the question. We told them there's no need for a new application. We don't define age groups and services, the State of New York does. So just so you're aware cause I know the folks do see advertisements and wonder if people are sneaking something by us.

PRICE CHOPPER

MR. EDSALL: The other one you recall that you approved very recently the Price Chopper Plaza modifications. And as they got toward construction they had a couple tweaks, we'll use that word, that they wanted to undertake. One in speaking with Price Chopper I know all of you have probably been there, there's a, heading away from the Price Chopper which I'll call easterly direction there's all those spaces and then there's a wide traffic lane, wide traffic lane on some occasions is kind of like the Indianapolis 500, if you park on the other side and you're carrying back packages you may or may not make it across without getting hit. And Price Chopper envisions that as being not their parking, people get upset when they have to park all the way on the other side. So to try to slow down the cross traffic and provide localized parking as Price Chopper sees it they want to eliminate that lane, they want to create east-west parking lanes, they want to accumulate the parking traffic at the end of the 30 foot lane that goes along the front of the Price Chopper and the other building, whatever current occupants are, used to be a drugstore back when Jimmy and I were young, but that will remain a fire lane. They'll have another lane down near 300. So they just want to adjust the parking a little bit, they want to shift the building by Dunkin Donuts slightly, they want to change to LED lighting which I think they should of done to start off with and the last occupant on the new building they want to have a couple outside seats cause it was an eating and drinking establishment, they want to have a couple outside tables which the board has no problem with historically.

MR. GALLAGHER: The Italian restaurant?

MR. EDSALL: No more Taco Bell, the Route 300 end of the new building a small sidewalk area. So the question comes down to is if the board has the belief that those are substantial changes that you want a new application or do you want to turn it over to Jen, myself and Jerry to just make sure that the corrections that the fire inspectors asked for and everything that we asked for are still on the plans?

MR. ARGENIO: And what--

MR. EDSALL: They want to effectively have the board approve the replacement plans, in other words, build

PRICE CHOPPER

these improvements into a new set which will be restamped.

MR. ARGENIO: Let me try to, it's a new tenant going to be Starbucks, I don't think that's a secret and they want to rearrange the configuration of the parking.

MR. EDSALL: And LED lighting.

MR. EDSALL: And the firemen they have some input because of their turning radius on the ladder trucks, et cetera, and Mark and I spoke about it today and I said bring it to the members of the board. Frankly, I think let them draw it up, give it to you, we'll take a look at it, if it's significant we'll bring them in and they can walk us through it if it's manageable I don't have a problem.

MR. EDSALL: I've seen the plans, the fire inspector's both Barney and Tommy were kind enough to already look at it this afternoon, Tommy called me late this afternoon, told me that he really didn't have a problem with it but there were a couple places he had asked for them to adjust striping.

MR. ARGENIO: This is existing, correct?

MR. EDSALL: Yeah, that's the demo plan, here's the new plan.

MR. EDSALL: Long rows, there's no cross lane so if you want to pass it around.

MR. ARGENIO: I didn't see a need to get jerked up about it but whatever you guys want to do.

MR. GALLAGHER: I would assume they were going to re-stripe the parking lot anyway.

MR. EDSALL: And I think there's an advantage in not having that cut-thru lane.

MR. SHERMAN: Absolutely.

MR. ARGENIO: I don't think it's more complex than when they were in the submission process, they had a whole bunch of other things that they were considering and suddenly somebody woke up after the door closed and said we can do better.

MR. EDSALL: I think you're right, I think they looked at the lighting and said we can do better.

MR. ARGENIO: Anybody have a problem with the way Mark's proposing to handle it?

MR. EDSALL: There are no SEQRA impacts, there are no agency impacts cause they're not changing any of the curb cuts, any of the outside connections, they're only changing striping and shifting the building slightly and going with LED lights which is more energy conscious anyway.

MS. MC MILLAN: They're getting more parking in there.

MR. EDSALL: They're improving the parking.

MS. MC MILLAN: Because they had a slight shortage.

MR. EDSALL: Right, so where they're eliminating the lane they're picking up parking.

MR. PETRO: Shifting the building would not create any zoning issues?

MR. EDSALL: No, that's one of the things I told them I wanted to check on the final plan, make sure they're not encroaching on the setbacks which they assured me they weren't, I didn't have time to go through it.

MR. ARGENIO: But you're going to go through it.

MR. GALLAGHER: Are they going to start this before they start the addition?

MR. EDSALL: They want to get moving on the work soon, I think they want to work in the back as well with the cross-connection.

MRS. GALLAGHER: That's a question I have for you, what about C.O.s for this building, am I waiting on issuing C.O.s for this building before their parking is done?

MR. EDSALL: Before they--

MRS. GALLAGHER: Before the parking is all complete because now we have parking, the count is all up front, it's in the back it's, you know what I mean?

MR. ARGENIO: You know what I think we should do?

Here's what I think we should do. Mark, we're going to hold this in abeyance until the next meeting, this is my proposal, cause I see a couple, two things here that I don't like. One of them Harry just pointed out something else I'm seeing, we're going to hold this until the next meeting, would you please do a review of this plan as it compares to the approved plan and point out to us the differences and then we'll make our decision? Let's hold our decision, let's not go 1,000 miles an hour.

MR. EDSALL: What they're looking for was an indication if they need to go through a full amendment application.

MR. ARGENIO: I think the answer to that is no.

MR. EDSALL: What we're looking for is to have them submit a new set of plans with this update and seek to have it reapproved.

MR. ARGENIO: You have escrow money, right?

MR. SHERMAN: Is there still a drive-thru?

MR. EDSALL: Yes.

MR. ARGENIO: Check it out, walk through it, check it out, take your time and then they don't have to make a new application, so let's do that, have them give you the plans. Anything else, members? Motion to approve?

MR. FERGUSON: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer
PRICE CHOPPER